

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

AVENUE CONSTRUCTION, LLC,

Plaintiff,

v.

BARLOW GARRISON
COMMERCIAL, LLC,


Defendant.

No. 3:21-cv-00845

ORDER

On January 13, 2022, Defendant filed a Motion to Dismiss Plaintiff's Claim for a Constructive Trust. (Doc. No. 15). While that motion was pending, Plaintiff filed an Amended Complaint. (Doc. No. 17). The Amended Complaint is now the legally operative complaint in this case, see Parry v. Mohawk Motors of Mich., Inc., 236 F.3d 299, 306–07 (6th Cir. 2000), Defendant's motion to dismiss (Doc. No. 15) is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE